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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/839,987	04/20/2001	Edward W. Porter	

CONFIRMATION NO. 3112

FORMALITIES LETTER



OC000000006196270

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Date Mailed: 06/18/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/26/2001 BSAYASII 00000043 09839987

FILED UNDER 37 CFR 1.53(b)

01 FC:201 355.00 OP
02 FC:202 400.00 OP
03 FC:203 486.00 OP
04 FC:204 135.00 OP
05 FC:205 55.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2042.
 - \$972 for 54 total claims over 20.
 - \$800 for 10 independent claims over 3.
 - \$270 for multiple dependent claim surcharge.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2882.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o));
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Seble

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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104260/8667860

#3



Case EWP00-1NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION:

INVENTOR: Edward W. Porter)
SERIAL NO.: 09/839,987)
TITLE: Apparatus, Methods,)
Programming, And Propagated)
Signals For Creating, Editing,)
Organizing and Viewing Colla-)
borative Data Bases)
FILING DATE: 4/20/2001)
GROUP ART UNIT: 2171)

September 18, 2001

I, Edward W. Porter, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

on 9/18/01
Signature Edward W. Porter Date 9/18/01

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO
NOTICE TO FILE MISSING PARTS AND
FILING RECEIPT

Dear People:

DESCRIPTION OF ATTACHEMENTS

Attached hereto is:

- A return receipt card;
- A petition for a one month extension of time;
- A check for \$55.00 to cover the fee for one month extension of time;

- 104250 7886E860
- A copy of the Notice to File Missing Parts mailed with regard to the above identified application on June 18, 2001;
 - A check for \$1441.00 to cover the fees requested in the Notice to File Missing Parts, when taking into account that the inventor is a small entity;
 - A copy of the Abstract Of The Invention requested in the Notice to File Missing Parts;
 - A copy of the Filing Receipt mailed in the above identified application;
 - A copy of the Filing Receipt mailed in the provisional application 60/198,694 from which this application claimed benefit;
 - and
 - Text contained in this document to:
 - respond to the contention contained in the Notice To File Missing Parts that substitute drawings were required in this case; and
 - A question concerning a statement contained in the filing receipt for this application which implies that the data contained in the current application's claim of priority from the above mentioned provisional application 60/198,694 is inconsistent with PTO records.

REMARKS CONCERNING CONTENTION THAT SUBSTITUTE DRAWING ARE REQUIRED

The Notice To File Missing Parts stated that substitute drawings were required in this case on the basis that the original drawings allegedly contained "excessive text". While the applicant admits that many of the drawings of the present application contain a fair amount of text, he would like to explain why the amount of text in these drawings is not "excessive" in violation of 37 CFR 1.84(o).

First, 37 CFR 1.84(o) by its own wording relates only to "legends". Microsoft Bookshelf 95 dictionary defines a "legends" as follows:

“3. a. An inscription or a title on an object, such as a coin. b. An explanatory caption accompanying an illustration. c. An explanatory table or list of the symbols appearing on a map or chart.”

Clearly this indicates that a legend is text used to label or explain something represented independently of the legend. Most of the drawings of the present application are thus not "legends" of the type dealt with by 37 CFR 1.84(o). Instead of being used to explain something represented in another form, such as by a graphic shape, most of the text in the present application's figures is the only representation of the elements which its words and letters are used to represent. Thus, such words and letters are not "legends" of the type which 37 CFR 1.84(o) says are to be limited.

Secondly, almost all of the text used in the drawings in the present application is used either to represent the use of actual text by the invention itself, or to represent symbolic elements which can only efficiently be represented by text. Thus, such use of text is totally appropriate and is not "excessive."

To be more specific, almost all the drawings of the present application which consist largely of text are either representations of (1) data structures, (2) program structures, or (3) screen output in which the displayed data being represented is comprised largely of text.

Taking the last of these first, it is clearly not excessive to represent screen output comprised of text with a drawing which includes the displayed text. In most of these drawings graphic information in addition to the actual text words is also shown, including the relative spacing of different parts of the text and/or the addition of non-text graphical elements in such figures, making them much more than just collections of pure textual information. Many aspects of the present invention relate to the ordering, editing, and display of textual information. Removing the textual information from such figures would greatly reduce their capability to illustrate important aspects of the claimed invention, as can be seen for example by looking at FIGS. 60, 61, and 62, . Clearly in

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such figures the use of text is totally appropriate and the removal of text would only make such figures much less useful in explaining their associated aspect of the invention.

Some of the text displays represented in the figures are displays of text which could be shown in user interface elements such as dialogue boxes. Such user interface displays could be represented in any one of numerous different forms, but in most of them their textual elements would be the most informative representational features shown to the user. The level of text contained in such drawings is representative of the level of text which would actually be displayed to a user in such user interfaces and, thus, is clearly not "excessive".

With regard to figures which are graphical pseudocode representations of programming structures, the applicant believes that such pseudocode representations are by far the most clear, the most easily perceived, and the most compact way of graphically representing the content and structure of such programming. Although the USPTO tends to look favorably upon flowcharts to explain programming structures or processes, many people in the computer programming art consider flowcharts to be a very inefficient way to explain the contents of computer programs at anything other than an extremely simplified level.

Computer programs are not like mechanical devices in which spatial, shape, and geometric representations are useful for conveying the parts, and relationship between parts, of such devices. In drawings of such mechanical structures text would normally be "legends" of the type described above in the dictionary quotation and of the type described in 37 CFR 1.84(o).

Computer programs, on the other hand, are comprised of symbolic information most of which can only efficiently be represented and learned in the form of textual symbols. Even flow charts have virtually no meaning without textual symbols. If the

number of words in flow charts are reduced to the sparse level found in many patent applications, they become virtually useless.

The undersigned applicant is a patent attorney who specializes in computer software patent applications. He is the co-chair of the Boston Patent Law Association's Computer Law Committee. He finds that many flow charts used in patent applications contain so little information as to be almost totally meaningless without the text in the specification which explains them, and that they add virtually no information to that contained in their textual explanations -- meaning that such flow charts serve virtually no useful purpose to those who read patent applications. Such flow charts may meet the formal requirements for patent drawings, but they do not serve the purpose for which patent drawings are supposed to be provided, that of helping to teach their associated inventions.

The pseudocode drawings contained in the present application provide a more clear, compact, meaningful, and easy to understand graphical representation of their associated programming structures than do most flow charts. They use graphical information in the form of indentation and ordering to explain relationships between different blocks of programming in much the same way that flow charts explain the logical relationship between different blocks of text through lines and a limited vocabulary of shapes, but they do so in a manner that is much more efficient in its use of space and much more easily perceived by readers who know common programming conventions.

To require that the pseudocode drawings in the present application be reconstructed as flowcharts and have their number of words reduced would greatly reduce the clarity, efficiency, and conciseness of the drawings in the present application, and would contradict the very purpose which patent drawings are supposed to serve, i.e., helping readers of patents to understand their inventions. Thus, it is respectfully submitted that the pseudocode drawings in the present application do not contain "excessive text" and thus need not be replaced.

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With regard to the figures of the present application that represent data structures, an argument very similar to that made above with regard to pseudocode figures applies. Most of these data structures are symbolic elements, the contents of which can only efficiently be represented by text. These figures use graphical elements such as indentation to convey logical information. Virtually no information would be added to such data structure diagrams by the insertion of boxes, lines, or other space-taking, cluttering, graphical elements around their textual elements. The only effect of adding such graphical elements would be to distract from the ease of understanding the figures. Thus, it is respectfully submitted that the text contained in such data structure diagrams is highly efficient and not the least bit "excessive".

With regard to figures representing graphical user interface displays

For all the reasons given above, it is respectfully submitted that the drawings of the present application do not contain "excessive text" as that phrase is used in 37 CFR 1.84(o), and therefore it is hoped that the request contained in the Notice To File Missing Parts will be withdrawn.

REMARKS CONCERNING STATEMENT IN FILING RECEIPT THAT THIS
APPLICATION'S PRIORITY CLAIM IS INCONSISTENT WITH USPTO RECORDS

As can be seen from the enclosed copy of the filing receipt issued in this application, its portion labeled "Domestic Priority data as claimed by applicant" contains an asterisk indicating that the application's claim of the benefit of prior provisional U.S. Patent Application numbered 60/198,694 filed on April 20, 2000 is inconsistent with PTO records.

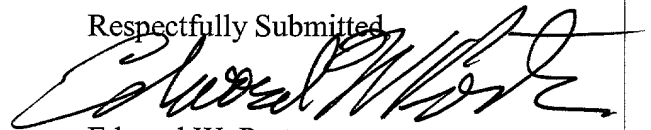
Enclosed with this document is a copy of the filing receipt in the above mentioned provisional application 60/198,694, which seems to indicate that the serial number and filing date marked with the above-mentioned asterick both appear to be correct.

The applicant would appreciate a communication from the USPTO informing him whether or not the statement contained in the filing receipt that the priority claim is in fact inconsistent with PTO records is correct, and if so why.

If there are any questions or problems concerning this response to the Notice To File Missing Parts or concerning the question raised regarding the filing receipt, please contact the undersigned applicant as soon as possible.

Thank you very much.

Respectfully Submitted



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